

Alert Text

## **NLRB Action Alert!**

On December 22, the National Labor Relations Board (NLRB) issued a proposed rule requiring covered employers to post notices informing employees of their rights under the National Labor Relations Act (NLRA).

Unlike many federal statutes, the NLRA contains no statutory requirement to post such a notice. The proposed notice itself contains a detailed, selective list of employee rights conferred by the NLRA and requires employers to post the notice or face certain penalties. Although the NLRB's website contains complete educational information on rights and violations of the NLRA, the proposed rule does not provide complete or balanced information. The proposed notice, for example, is silent regarding employee rights under the NLRA to decertify or withdraw from a union.

SHRM plans to submit comments to the NLRB. In addition, we encourage all interested SHRM members to make their voices heard at the NLRB. It is important for the federal rule-making entities to hear directly from the HR profession on issues that will have a direct impact on your workplace.

### **Action Needed By February 22, 2011**

Make your voice heard!

Submit your comments by clicking on [Regulations.gov](http://www.regulations.gov). On this website, you should type your information into the form then make your comments in the section on the right and click the SUBMIT button. Comments on the NLRB notice proposal are due on or before February 22, 2011.

Please consider submitting your own comments or use the suggested language below to craft your submission.

### **Suggested Language:**

HR professionals understand and value the critical role of employees to the success of any workplace and we strive to make the most of employee talent in both union and non-union environments.

As an HR professional, I understand employee rights under the National Labor Relations Act (NLRA) to form, join, assist in or refrain from joining a union without threats, interrogation, promises of benefits, or coercion by employers or unions.

I am concerned about the National Labor Relations Board's (NLRB) proposed rule requiring nearly all employers to post a notice under the NLRA for several reasons. The proposed notice is not a fair explanation of rights because it fails to inform employees of their right to decertify or withdraw from third-party union representation, or to seek relief from a union's failure to represent employees fairly. In addition, the rule proposes unfair penalties including finding a failure to post to be an unfair labor practice and suspending the statute of limitations for filing an unfair labor practice charge.

Unlike many federal statutes that HR professionals implement on a daily basis, the NLRA itself does not require posting such a notice. For these reasons, I respectfully request that the NLRB withdraw this proposed rule.